THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.323 of 1996

27.7.2005

Between:

1. K.Hanumanthu, S/o.Lakshmanna, Aged 65 years, Agriculturist,

R/o.Machapuram village, Nandavaram Mandal, Kurnool District.

And two others

… Petitioners

AND

1. District Collector, Kurnool, Kurnool District

and two others.

… Respondents

ORDER:

Petitioners claiming to be the owners of the land proposed to be acquired for the purpose of providing house-sites to the weaker sections of the society have filed this writ petition questioning the notification on various grounds.

Since the petitioners claim to be the owners of small extents of land and since the reasons for dispensation of enquiry under Section 5-A of Land Acquisition Act, 1894 (hereafter called 'the Act') are not spelt out and since the Apex Court in **Union of India v. Krishan Lal Arneja** held that the Government cannot dispense with enquiry under Section 5-A of the Act in a routine fashion, the notification dispensing with the enquiry under Section 5-A of the Act is quashed. The respondents are directed to hold enquiry under Section 5-A of the Act and proceed further in accordance with law.

The writ petition is ordered accordingly. No costs.

(**C.Y.SOMAYAJULU, J**)

July 27, 2005.

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